

REMARKS

Claims 1-21 are pending in the present application, with claims 1, 2, 13-14, and 18-21 being independent. Favorable reconsideration and allowance of the subject application are respectfully requested.

Claim Rejections Under 35 U.S.C. §102

The Examiner rejected all pending claims under 35 U.S.C. §102(e) as being anticipated by U.S. patent 6,202,046 to Oshikiri et al. These rejections are respectfully traversed.

Independent claim 1

The Examiner alleges that Oshikiri et al. teaches "encoding in the respective excitation modes a target signal to be encoded that is obtained from the input speech, and outputting coding distortions involved in the encoding". The Examiner refers to element 928 in Fig. 49 to support this allegation. Element 928 is a codebook that selects an adaptive vector used to generate a synthesized vector. As far as we are able to understand this element of Fig. 49 and the corresponding description in column 35, lines 31-58, cannot be read on the encoding of a target signal in the respective excitation modes of a plurality of such modes.

Oshikiri et al. further fails to teach the comparison of "at least one of the coding distortions involved in the encoding with

one of three thresholds". First of all, Oshikiri et al. has no coding distortions from which to choose at least one (since Oshikiri et al. does not describe the encoding of a target signal in respective excitation modes) to be compared with said thresholds. In addition, we are not able to find any description in Oshikiri et al. of any comparison of a coding distortion with a threshold. The Examiner refers to column 11, line 36, to column 12, line 18. This passage in the reference describes the operation of a background noise/speech decision section. There is only one threshold involved, and it is not a coding distortion that is compared with this threshold, it is the spectral fluctuation amount calculated using input calculated LSP coefficients and estimated LSP coefficients. In Oshikiri, because the LSP coefficients are not encoded, the spectral fluctuations on the coefficients may not be considered coding distortions as recited in claim 1.

Finally, the result of the comparison of the spectral fluctuation amount with a predetermined threshold is used to determine whether the signal represents speech or background noise. This determination is used to select an encoder (Fig. 15, elements 204 and 205; Fig. 16, elements 306, 308, 309), not to select an excitation mode.

As a further point, the classification of Oshikiri is quite different in object structure and effect from the invention of the present claims. Oshikiri is in effect non-analogous, and thus the

Section 102 rejection is improper.

Fig. 49, element 927, referred to by the Examiner, shows an all search section that selects all adaptive vectors in a codebook as candidates for search, as opposed to just a range determined by a search range determination section (Fig. 49, element 930). Applicant respectfully submits that this cannot be read on a selection of an excitation mode as described in the claim. Furthermore, the selection of the all search section is done based on determination of continuity of pitch period, not on any comparison of coding distortions. It should therefore be clear that Oshikiri et al. fails to teach the method of claim 1.

Independent claim 2

Applicant respectfully submits that Oshikiri et al. fails to anticipate claim 2 for reasons similar to those described with respect to claim 1. Oshikiri et al. does not describe any encoding in respective excitation modes from a plurality of excitation modes, selection of excitation modes in response to a comparison of distortions involved in the encoding, comparing the coding distortion with one of three threshold values and replacement of excitation mode selected in response to the comparison. The passages referred to by the Examiner are the same as for claim 1, and the same discussion applies.

Independent claims 13 and 14

The independent claims 13 and 14 correspond with claims 1 and 2, respectively. The above discussion similarly applies.

New independent claims 18-21

New claims 18-21 correspond to claims already granted in the corresponding Japanese application. They are allowable for reasons already apparent from the arguments presented above.

Dependent claims 3-12 and 15-17 now depend from new claims and are allowable at least for depending from an allowable base claim.

Conclusion

In view of the above remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to withdraw the rejections and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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